

**Appendix A: Red-lined version showing proposed amendment to Rules 35.1 and 35.4, *Arizona Rules of Criminal Procedure***

**Proposed amendments to Rules 35.1 and 35.4, *Ariz.R.Crim. P.***

**Rule 35. FORM, CONTENT AND SERVICE OF MOTIONS AND REQUESTS**

**Rule 35.1. Motions: Form, content and rights of reply.**

a. Unless otherwise specified in these rules, all motions shall be typewritten, double-spaced on 8.5 x 11 inch paper and shall contain a short, concise statement of the precise nature of the relief requested, shall be accompanied by a brief memorandum stating the specific factual grounds therefor and indicating the precise legal points, statutes, and authorities relied upon, and shall be served to all other parties. Each party ~~may~~ SHALL within 10 days file and serve a response and the moving party may within 3 additional days file and serve a reply which shall be directed only to matters raised in a response. Responses and replies shall be in the form required for motions. If no response is filed SUCH OMISSION MAY BE DEEMED A CONSENT TO THE GRANTING OF the motion ~~shall be deemed submitted on the record before the court,~~ AND THE COURT MAY DISPOSE OF IT SUMMARILY. UNLESS OTHERWISE SPECIFIED BY THESE RULES, A REQUEST FOR ENLARGEMENT OF TIME TO FILE A MOTION, RESPONSE OR REPLY, SHALL BE GOVERNED BY RULE 6(B), ARIZ.R.CIV.P.

b. Unless otherwise permitted by the court, a motion, including its supporting memorandum, and the response, including its supporting memorandum, shall not exceed 10 pages, exclusive of attachments. Unless otherwise permitted by the court, a reply, including its supporting memorandum, shall not exceed 5 pages, exclusive of attachments.

**Rule 35.4. Waiver of formal requirements.**

Upon request of a party, or on its own initiative, the court may waive a requirement specified in this rule, or overlook a formal defect in a motion or request. UNLESS SUCH WAIVER IS ORDERED, NON-COMPLIANCE WITH THE REQUIREMENTS SPECIFIED IN THIS RULE SHALL BE GOVERNED BY RULE 7.1(B), ARIZ.R.CIV.P.